



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

NOV 05 1999

Mr. Tyrone Clemmons
PPM, Inc., of U.S.P.C.I.
4105 Whitaker Avenue
Philadelphia, Pennsylvania 19124

Re: **Notice of Noncompliance**
Docket No. TSCA-III-00-0114

Dear Mr. Clemmons:

The U.S. Environmental Protection Agency ("EPA"), Region III has received the following documents regarding the storage, shipment, and disposal of polychlorinated biphenyl ("PCB") waste:

- A. Uniform Hazardous Waste Manifest, Number 97178 (State Manifest Document Number PAE 0428271), dated October 14, 1997, which lists PPM, Inc., of U.S.P.C.I. ("PPM") as the generator, Laidlaw Environmental Services (TG) as the transporter, and Laidlaw Environmental Services (Aragonite) of Coffeyville, Kansas as the disposer of the waste material.
- B. Letter, dated December 5, 1997, from Ms. Sheri Sanders, the Laidlaw's Information Systems Specialist, to Mr. David Phillippi, EPA Region VII in Kansas City, Kansas.

Based on the information in these documents, EPA Region III has determined that PPM has violated the Storage for Disposal requirements of the POLYCHLORINATED BIPHENYLS MANUFACTURING, PROCESSING, DISTRIBUTION IN COMMERCE, AND USE PROHIBITIONS, 40 C.F.R. Part 761 ("the PCB Rule"), as described below:

Storage for Disposal

Pursuant to the PCB waste storage requirements of the PCB Rule, 40 C.F.R. § 761.65(a)(1), any PCB waste shall be disposed of as required by the Storage and Disposal regulations, 40 C.F.R. Part 761, subpart D, within 1 year from the date it was determined to be PCB waste and the decision was made to dispose of it.

Item 11a of the Uniform Hazardous Waste Manifest, Number 97178 (State Manifest Document Number PAE 0428271), indicates that the PCB waste was removed from service on January 1, 1995. This waste was received by the transporter on October 14, 1997 and was

received at the disposer's facility on October 16, 1997. As required by 40 C.F.R. § 761.215(c), the Laidlaw Environmental Services (Aragonite) submitted a One-year Exception Report to EPA for the PCB waste because it was received on a date more than 9 months after the "removed from service" date, which left insufficient time for disposal of the PCB waste within the one-year period specified by the regulations. Thus, the PCB waste identified above was disposed of more than one year after the date it was first placed into storage for disposal, in violation of 40 C.F.R. § 761.65(a).

In addition to complying with the above-referenced requirement to dispose of PCB waste in a timely manner, certain generators of PCB waste are required to notify EPA of their PCB waste activities in accordance with 40 C.F.R. § 761.205. If your facility has not already complied with this requirement, please refer to the PCB Rule to determine whether your facility is required to file a Notification of PCB Waste Activity form.

The violation identified in this Notice of Noncompliance ("Notice") is prohibited by Section 15(1) of the Toxic Substances Control Act ("TSCA"), 15 U.S.C. § 2614(1).

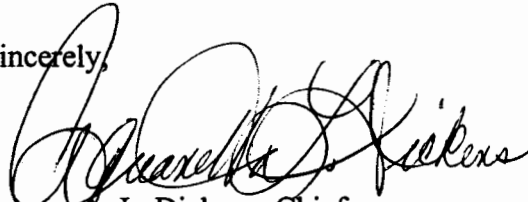
Section 16 of TSCA, 15 U.S.C. § 2615, authorizes the assessment of a civil penalty of up to \$25,000 per day for each violation of TSCA and the regulations promulgated thereunder. Pursuant to the Debt Collection Improvement Act of 1996 and the Adjustment of Civil Monetary Penalties for Inflation promulgated thereunder and published at 40 C.F.R. Part 19, the maximum penalty for each violation of TSCA has been increased to \$27,500 per day. Based on the information currently available, EPA is issuing this Notice in lieu of an administrative complaint proposing a civil penalty at this time. If you fail to submit the requested information, EPA may issue an administrative complaint for the assessment of civil penalties for the violations described above. This Notice does not preclude future enforcement actions for the violations cited herein, or for any other violations of statutes and regulations that EPA administers.

Within thirty (30) days of receipt of this Notice, your facility must submit to EPA a written statement explaining why the PCB waste in question was in storage for at least two (2) years prior to disposal, along with a copy of the Certificate of Disposal for the PCB waste. Also, please submit a copy of PPM, Inc.'s standard operating procedures for testing, storing, and disposing of waste generated by PPM, Inc. to prevent unauthorized or delayed disposal of PCBs in the future. Please submit your written statement certifying compliance with the PCB regulations, along with a copy of the Certificate(s) of Disposal and PPM, Inc.'s procedures, to:

Ms. Charlene C. Creamer (3WC33)
Toxics Programs and Enforcement Branch
U.S. Environmental Protection Agency
1650 Arch Street
Philadelphia, PA 19103-2029

Please submit any inquiries on this matter to Ms. Creamer at (215) 814-2145.

Sincerely,



Aquanetta L. Dickens, Chief
Toxics Programs and Enforcement Branch

cc: Mr. James Roof, PADEP

Ms. Charlene C. Creamer (3WC33)
 Toxics Programs and Enforcement Branch
 U.S. Environmental Protection Agency
 1650 Arch Street
 Philadelphia, PA 19103-2029

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Sincerely,

Aquanetta L. Dickens, Chief
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cc: Mr. James Roof, PADEP

CONCURRENCES

SYMBOL	▶ 3WC33	3WC33						
SURNAME	▶ Creamer	Andrelczyk						
DATE	▶ <i>ccc 11/1/99</i>							

FTTS INPUT FORM -- ENFORCEMENT ACTIONS

Greener

TSCA-III-00-0114

Docket Number: _____ Case Number: _____ Action Type: NON

Investigation Type: WPF Legislation: T

Region/State: 03 Referral Type: _____ File Number: 00-002P

Violation Code: WPS

Proposed Penalty: _____ Final Penalty: _____ Abatement Amt.: _____

Case Development Officer: Greener CBI: Y(N)

Regs. Violated: _____

EPA Attorney: Cal

Remarks: greater than one year storage

Product Reg. #: _____ Chemical Name: _____

Responsible Party Name: _____

RESPONSIBLE PARTY

PPM, INC., OF U.S.P.C.I.

4105 WHITAKER AVENUE

PHILADELPHIA PA 19124

Date of Appeal: / / Date Closed: / /

Date Sent to HQ: / / Date to HQ Concurrence: / /

Date Press Release: / / Date Permanent Abeyance: / /

Date Referred to HQ: / / Date Check Received: / /

Date Drafted: / / Date to ORC: / / Date ORC Concur: / /

Date Eac Sum.: / / Date Issued: 11/5/99 Date Resp. Due.: / /

Date Received: / / Date Withdrawn: / /

Date Conf1 Sched: / / Date Conf1 Held: / /

Date Conf2 Sched.: / / Date Conf2 Held: / /

Date CAFO Drafted: / / Date ORC Concur: / /

Date CAFO Mailed: / / Date They Sign: / /

Date CAFO Received: / / Date They Sign: / /

Date We Sign: / / Date CAFO Answer: / /

Major Action Remarks: _____

Settlement With Conditions Total Terms

Term	Date Due	Date Recvd.	Prev. EBE Code	Cust in Company	Amount Mitigated
1.					
2.					
3.					
4.					
5.					

Date Prehearing Conf: / /

Date Hearing Sched.: / / Date Hearing Held: / /

Date Initial Decision: / / Date Final Decision: / /

Date Referred to DOJ: / / Date District Action: / /

District Filed In: / / DOJ Person: _____

U.S. Attorney: _____

Est. Num.: _____ ACCL DEC: / / DEF ORDER: / /

Ftts input complete